



01 AUG 2007

WesternGeco
Intellectual Property Department
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In re Application of TOENNESSEN et al. :
Application No.: 10/550,703 : DECISION ON PETITION
PCT No.: PCT/EP04/50379 :
Int. Filing: 26 March 2004 : UNDER 37 CFR 1.47(a)
Priority Date: 27 March 2003 :
Attorney Docket No.: 14.0234-PCT-US :
For: SYSTEM FOR DEPTH CONTROL OF A :
MARINE DEFLECTOR :

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 16 April 2007 to accept the application without the signatures of joint inventors Emmanuel Keskes, Vahid Moosavi and Philippe Saint-Pere. Petitioner requests a one month extension of time, which is granted.

BACKGROUND

On 25 October 2006, applicant filed a petition along with a declaration, executed by the joint inventors on behalf of the non-signing inventors. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signatures of inventors Emmanuel Keskes, Vahid Moosavi and Philippe Saint-Pere.

On 11 January 2007, a decision dismissing the petition was mailed indicating that applicant had not satisfied the requirements of 37 CFR 1.47(a).

On 09 April 2007, a Notification of Abandonment was erroneously mailed to applicant.

On 16 April 2007, applicant filed a renewed petition.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Item (1) and Item (3).

With regard to item (4), the newly declaration executed by Eskild Storteig on his behalf and on behalf of the non-signing inventors was submitted and is acceptable. Applicant had

previously filed a declaration executed by joint inventors Rune Toennessen and Per Helgerud. Item (4) is now satisfied.

Inventors' Refusal to Sign

With respect to Item (2) above, a declaration by Carolanne M. King, contract employee of WesternGeco, LLC (assignee) was attached to the petition, detailing the efforts made to obtain the nonsigning inventors' signatures. The declaration was a statement of first hand knowledge; and provided sufficient details of the attempts made to contact the nonsigning inventors. From the evidence presented, it is apparent that on or about February 2007, Messrs. Keskes, Moosavi and Saint-Pere received a copy of the application papers including declaration and power of attorney and assignment. According to Ms. King, to date, the nonsigning inventors have not responded to her communication or returned the signed declaration.

Petitioner has now provided a complete copy of the application papers, including specification, claims and drawings and declaration, to the nonsigning inventors. The action taken by petitioner is sufficient to prove that "a diligent effort" was made to contact the nonsigning inventor. Under these circumstances, it can be concluded that the nonsigning inventors refuse to sign the application.

In sum, Petitioner has satisfied Items (1)- (4). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The 09 April 2007 Notification of Abandonment was erroneously mailed to applicant and is hereby VACATED.

The petition under 37 CFR §1.47(a) is GRANTED.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 16 April 2007. The application has an international filing date of 26 March 2004 under 35 U.S.C. 363, and a date of 16 April 2007 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.



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